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Docket No. 950.044US1/DEKM186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of David McElroy *et al.*
Serial No.: 09/801,261
Filed: March 7, 2001
For: Homologous Recombination-Mediated
Transgene Alteration in Plants

Art Unit: 1638

Examiner: David Fox

AMENDMENT

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Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

OFFICIAL

Sir:

This Amendment in response to the Office Action mailed November 5, 2002 is timely filed before expiration of the 3 month shortened statutory period for response.

In the Claims:

Please cancel claims 1-51 and add new claims 52 to 65 which are directed to methods for preparing marker-free, fertile transgenic plants.

Basic support for new claim 52 can be found in originally-filed claims 9 and 10. Support for directly repeated DNA sequences "wherein said directly repeated sequences are not recognized by a site-specific recombinase enzyme" is found in the originally-filed specification at page 4, lines 8 to 18. The alteration of the transgene by deletion is supported by originally-filed claims 9 and 31. "Marker-free" transgenic plants are supported throughout the specification; see in particular page 1, lines 13-15; page 2, lines 8-18; page 3, 16-19; page 4,

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Thomas E. Kelley, Reg. No. 29,938

February 5, 2003